

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 200**

**Introduced by Assembly Member Richman**

January 28, 2003

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An act to add Sections 4474.2, 4474.3, 4474.35, 4474.4, 4474.5, 4474.6, 4474.7, 4474.8, and 4630.5 to the Welfare and Institutions Code, relating to developmental centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 200, as amended, Richman. Developmental centers.

Existing law vests in the State Department of Developmental Services jurisdiction over various state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities.

Existing law requires the State Department of Developmental Services to comply with certain requirements ~~in~~ *when* closing a developmental center.

Under existing law, the department allocates funds to private nonprofit entities known as regional centers, ~~who~~ *which* are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities.

This bill would ~~require~~ *authorize* the State Department of Developmental Services ~~to close 4 developmental centers by 2014, with the planning for the first closure to begin on January 1, 2004. The bill would require the department to report to the Legislature regarding the closure on developmental centers every 2 years, commencing January 1, 2006.~~

~~The bill would require the department to sell or lease the state-owned property of developmental centers at fair market value that are closed, and would require that the proceeds be placed in the State Developmental Services Community Living Fund, created by the bill, the moneys in which are required to be used by the department, upon appropriation by the Legislature, for specified purposes.~~

The bill would establish requirements as to the move of consumers from developmental centers ~~closed pursuant to the bill that will be closed~~ into community living arrangements.

The bill would permit the department to establish a system of small residential developmental facilities for community living, with priority to be given to their location in communities in which consumers reside who are moving from developmental centers that ~~are required to will be closed pursuant to the bill.~~

The bill would require the department to develop incentives, as specified, for employees to remain at developmental centers until they are closed, and would permit those employees to transfer to other facilities, as specified.

The bill would also require the department to ensure that adequate levels of staffing are in place at regional centers prior to moving individuals from developmental centers to community living arrangements. It would authorize regional centers to negotiate rates with service providers of community living arrangements in order to hold space for consumers who are moved from developmental centers that are closed.

The bill would restrict the expenditure of money for repairs at developmental centers to be closed ~~pursuant to the bill~~ to those necessary for the immediate protection of the health and safety of consumers.

The bill would also require the department to conduct a study regarding the need for the establishment of a secured treatment facility, as well as other forensic needs, with this study to be completed, and a report to be submitted to the Legislature by January 1, 2005.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would do both of the following:



~~(a) Require the State Department of Developmental Services to close four of the five developmental centers in the state by 2014.~~

~~(b) Require~~

~~(a) Allow the department and regional centers to take various measures that would enable with respect to consumers residing in facilities to be closed pursuant to this act to make a smooth transition into community living arrangements.~~

~~(c) closed pursuant to Section 4474.1 of the Welfare and Institutions Code.~~

~~(b) Ensure that adequate services and supports are available to consumers leaving developmental centers that are being closed.~~

SEC. 2. Section 4474.2 is added to the Welfare and Institutions Code, to read:

~~4474.2. (a) The department shall close four developmental centers by 2014.~~

~~(b) The developmental centers closed pursuant to this section shall be closed in accordance with Section 4474.1.~~

~~(c) Planning for the closure of the first developmental center pursuant to this section shall begin on January 1, 2004.~~

~~(d)~~

4474.2. Any available federal money shall be used to fund the cost of closing the developmental centers pursuant to ~~this section~~ Section 4474.1. The state shall not supplant federal moneys in closing the developmental centers.

~~(e) The department shall report to the Legislature every two years, commencing January 1, 2006, regarding the closure of developmental centers pursuant to this section.~~

SEC. 3. Section 4474.3 is added to the Welfare and Institutions Code, to read:

~~4474.3. (a) The department shall lease or sell the state-owned property of developmental centers that are closed pursuant to Section 4474.2.~~

4474.3. (a) The department may sell or lease the state-owned property of developmental centers at fair market value that are closed pursuant to Section 4474.1.

(b) There is hereby created in the State Treasury the State Developmental Services Community Living Fund, to be used for the purposes specified in subdivision (d).

(c) The fund shall consist of all proceeds from the sale or lease of developmental center property ~~sold or leased~~ pursuant to

1 subdivision (a), as well as dividends and interest earned on money  
2 in the fund.

3 (d) (1) Moneys in the fund shall be used by the department,  
4 upon appropriation by the Legislature, for all of the following:

5 (A) To fund the cost of consumer needs, including, but not  
6 limited to, housing.

7 (B) To fund the startup of programs for consumers moving into  
8 community living arrangements due to the closure of  
9 ~~developmental centers, pursuant to Section 4474.2: developmental~~  
10 ~~centers pursuant to Section 4474.1.~~

11 (C) To help offset some of the costs of developing new services  
12 ~~for consumers moving from other developmental centers~~  
13 ~~scheduled for closure, pursuant to Section 4474.2: for consumers~~  
14 ~~moving from developmental centers scheduled for closure~~  
15 ~~pursuant to Section 4474.1.~~

16 (2) Notwithstanding paragraph (1), \_\_\_\_ percent of the moneys  
17 in the fund may be used, upon appropriation by the Legislature, as  
18 startup funds to accomplish the ~~subsequent developmental~~  
19 ~~closures required by Section 4474.2 developmental center~~  
20 ~~closures pursuant to Section 4474.1.~~

21 SEC. 4. Section 4474.35 is added to the Welfare and  
22 Institutions Code, to read:

23 4474.35. (a) The department may establish a system of small  
24 residential developmental facilities for community living that  
25 shall be at locations owned or leased by the state. These facilities  
26 may be operated by the department.

27 (b) Not more than four consumers shall reside in the facility  
28 established pursuant to subdivision (a).

29 (c) The facilities shall be located in communities, as  
30 determined by the needs of consumers and their families, with  
31 priority to be given to communities in which consumers moving  
32 from developmental centers closed pursuant to Section ~~4474.2~~  
33 ~~4474.1~~ reside.

34 SEC. 5. Section 4474.4 is added to the Welfare and  
35 Institutions Code, to read:

36 4474.4. (a) The department shall follow the process  
37 established pursuant to Section 4418.3, for consumers moving into  
38 community living arrangements due to the closure of  
39 ~~developmental centers pursuant to Section 4474.2~~ 4474.1.

(b) The department shall follow the community placement plan process established in Section 4418.25 in order to ensure that adequate services and supports are available to consumers moving into community living arrangements due to the closure of developmental centers pursuant to Section ~~4474.2~~ 4474.1.

SEC. 6. Section 4474.5 is added to the Welfare and Institutions Code, to read:

4474.5. (a) The department shall ensure that adequate levels of staffing at regional centers are in place to develop resources, and to provide service coordination and planning, prior to moving individuals into community living arrangements from developmental centers closing pursuant to Section ~~4474.2~~ 4474.1.

(b) The department shall ensure that the level of quality assurance efforts in place at regional centers on December 31, 2003, is not diminished.

SEC. 7. Section 4474.6 is added to the Welfare and Institutions Code, to read:

4474.6. (a) The department shall develop incentives for employees of the developmental centers to be closed pursuant to Section ~~4474.2~~ 4474.1 to remain at those developmental centers until the closure is complete. These incentives may include, but not be limited to, early retirement incentives for some employees.

(b) Employees of developmental centers that are closed pursuant to Section ~~4474.2~~ 4474.1 may transfer to other state-operated facilities established pursuant to Section 4474.35.

SEC. 8. Section 4474.7 is added to the Welfare and Institutions Code, to read:

4474.7. Expenditures for repairs to facilities at developmental centers to be closed pursuant to Section ~~4474.2~~ 4474.1 shall be limited to those necessary for the immediate protection of the health and safety of consumers.

SEC. 9. Section 4474.8 is added to the Welfare and Institutions Code, to read:

4474.8. (a) The Legislature finds and declares that locked facilities may be necessary in order to provide services to certain consumers as part of the developmental center closure process ~~required by Section 4474.2; specified in Section 4474.1.~~

(b) The department shall conduct a study regarding the need for the establishment of secured treatment facilities, as well as other forensic needs, in order to provide appropriate placements to

1 consumers moving from developmental centers closed pursuant to  
2 ~~Section 4474.2~~ to community living arrangements. The  
3 department shall submit a report to the Legislature with the results  
4 of the study by January 1, 2005.

5 SEC. 10. Section 4630.5 is added to the Welfare and  
6 Institutions Code, to read:

7 4630.5. (a) The Legislature intends to ensure that community  
8 living arrangements will be available to consumers who are moved  
9 from developmental centers that are closed.

10 (b) Regional centers may negotiate rates with service providers  
11 of community living arrangements in order to hold space for  
12 consumers who are moved from developmental centers that are  
13 closed pursuant to ~~Section 4474.2~~ 4474.1.

14 SEC. 11. (a) The Legislature finds and declares that the State  
15 Department of Developmental Services shall not be precluded  
16 from implementing this act due to a lack of moneys in the State  
17 ~~Developmental Center Closure Fund created pursuant to Section~~  
18 ~~4474.4 of the Health and Safety Code. Developmental Services~~  
19 ~~Community Living Fund created pursuant to Section 4474.3 of the~~  
20 ~~Welfare and Institutions Code.~~

21 (b) It is the intent of the Legislature that savings in state costs  
22 brought about by the closure of developmental centers not result  
23 in reductions in appropriations to the State Department of  
24 Developmental Services, but rather that these appropriations be  
25 allocated to the department for development of services in the  
26 community, including, but not limited to, enhancing direct care  
27 staff wages, for consumers moving into community living  
28 arrangements due to the closure of developmental centers pursuant  
29 to ~~Section 4474.2 of the Health and Safety Code. to Section 4474.1~~  
30 ~~of the Welfare and Institutions Code.~~